

SEALED

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY GRAND JURY 2007  
MARCH 17, 2009 SESSION

FILED

MAR 18 2009

TERESA L. DEPPERT, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

5:09-00065

18 U.S.C. § 1992(a)(10)

18 U.S.C. § 1992(a)(1)

18 U.S.C. § 2

18 U.S.C. § 1513

THOMAS BROWNING  
LANDON CLINE  
RICKY NICHOLS

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

(Conspiracy to Violate Federal Train Wreck Act)

Background

1. At all relevant times, the Norfolk Southern Railroad Company was a railroad carrier engaged in interstate and foreign commerce.

The Conspiracy

2. On or about August 28, 2005, at or near Baileysville, Wyoming County, West Virginia, and within the Southern District of West Virginia, defendants THOMAS BROWNING, LANDON CLINE, and RICKY NICHOLS, did knowingly conspire to commit a violation of 18 U.S.C. § 1992(a)(5), that is, without lawful authority or permission,

remove an appurtenance from, damage, and otherwise impair the operation of a railroad signal, mass transportation signal and dispatching system, thereby affecting a railroad carrier engaged in interstate and foreign commerce, in violation of 18 U.S.C. § 1992(a)(5).

The Object Of The Conspiracy

3. It was an object of the conspiracy for defendants THOMAS BROWNING, LANDON CLINE and RICKY NICHOLS to enrich themselves by stealing copper wire owned by Norfolk Southern Railroad Company that was used as part of its signaling and dispatching system.

The Manner And Means Of The Conspiracy

4. It was a part of the conspiracy that defendants THOMAS BROWNING, LANDON CLINE and RICKY NICHOLS would and did:

- a. Plan to steal copper wire belonging to Norfolk Southern Railroad Company for pecuniary gain;
- b. Travel to a railroad track site south of Baileysville, Wyoming County, West Virginia for the purpose of stealing copper wire;
- c. Place two metal "I-Beams" across the railroad track for the purpose of avoiding detection by stopping and interfering with any vehicle traveling on the track towards their location; and
- d. Remove copper wire belonging to Norfolk Southern Railroad Company that is used in the operation of its railroad signal system, mass transportation signal and dispatching system.

5. As a result of the defendants placing the metal I-Beams across the railroad track, they caused a train, which was carrying

two passengers and 150 cars loaded with coal, to derail when it struck the I-Beams.

In violation of Title 18, United States Code, Section 1992(a)(10).

**COUNT TWO**  
**(Violation of Federal Train Wreck Act)**

1. On or about August 28, 2005, at or near Baileysville, Wyoming County, West Virginia, and within the Southern District of West Virginia, defendants THOMAS BROWNING, LANDON CLINE, and RICKY NICHOLS, aided and abetted by each other, did knowingly and without lawful authority or permission wreck, derail and disable railroad on-track equipment, that is, a Norfolk Southern Railroad Company train consisting of three locomotives carrying two passengers, and 150 cars loaded with coal.

2. By their unlawful conduct, defendants THOMAS BROWNING, LANDON CLINE, and RICKY NICHOLS acted against and affected a railroad carrier, that is, Norfolk Southern Railroad Company, that was engaged in interstate and foreign commerce.

In violation of Title 18, United States Code, Section 1992(a)(1) and Title 18, United States Code, Section 2.

**COUNT THREE**  
**(Retaliation)**

On or about September 14, 2005, at or near Long Branch, Wyoming County, West Virginia, and within the Southern District of West Virginia, defendant LANDON CLINE did knowingly engage in conduct and thereby caused bodily injury, with the intent to retaliate against a person known to the Grand Jury (the "Known Person") for providing information relating to the commission and possible commission of a Federal offense given by the Known Person to a law enforcement officer.

In violation of Title 18, United States Code, Section 1513(b)(2).

CHARLES T. MILLER  
United States Attorney

By: 

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Thomas C. Ryan  
Assistant United States Attorney